

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: January 27, 2014
SUBJECT: **ZC 13-15: Final Report- Request for a Text Amendment to the Zoning Regulations: Chapter 18, Section 1803.16, Veterinary Hospitals in the Southeast Federal Center Overlay District**

I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the following text amendments to Title 11 DCRA. A proposed clarification to the text since the advertisement of the public hearing notice is shown **underlined; struck text is shown in strikethrough**:

The proposed amendments to the Zoning Regulations, Title 11 DCMR, are as follow:

Amend Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, § 1803, SEFC/CR ZONING DISTRICT, by adding a new § 1801.16 to read as follows:

- 1803.16 Notwithstanding §§ 602.1 (r) and 618, veterinary boarding hospital and veterinary hospital uses are permitted in the SEFC/CR Zone District, subject to the conditions below, which apply to both uses unless stated otherwise:
- (a) No more than fifty percent (50%) of the gross floor area of a veterinary boarding hospital may be devoted to the boarding of animals;
 - (b) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to § 9 (b)(1) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3–30; D.C. Official Code § 8-1808 (h)(1));
 - (c) A veterinary hospital may include the incidental boarding of animals as necessary for convalescence;
 - (d) Animal boarding at a veterinary **boarding** hospital shall take place entirely within an enclosed and soundproof building so that no noise or odor emanates onto neighboring properties;
 - (e) Animal and animal waste odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (f) External yards or other exterior facilities for the keeping of animals shall not be permitted;

- (g) All animal waste shall be placed in closed waste disposal containers and shall be collected and disposed of at least once a week by a qualified waste disposal company; and
- (h) Pet grooming and the sale of pet supplies are permitted only as accessory uses (i.e., not as an independent line of business).

II. BACKGROUND

At its December 9, 2013 public meeting, the Zoning Commission set down this text amendment request for a public hearing. The amendments are intended to address the need for veterinary hospitals in the Southeast Federal Center Overlay District (SEFC), which are not currently permitted as a use. The modifications requested by the applicant are intended to specifically permit a veterinary hospital in the building that is currently under construction at the southwest corner of M Street SE and 4th Street SE, but would apply to all properties in the SEFC overlay.

III. ANALYSIS

The applicant has requested the proposed text amendment to accommodate a potential tenant at the building to be known as Twelve 12, currently under construction at the southwest corner of M Street SE and 4th Street SE. The building is anticipated to be completed in spring of 2014.

The SEFC Overlay District was adopted by the Zoning Commission and became effective on July 9, 2004. The overlay area was established to encourage redevelopment of the 42-acre riverfront property with non-governmental uses and has experienced significant growth as residential projects have been completed. The SEFC Overlay District is located in census tract 72, which is the geographic area south of Virginia Avenue, west of South Capitol Street, east of 11th Street and north of the Anacostia River. This tract has grown 65% in the past decade, with the population increasing from 1,825 in the 2000 Census, to 2,794 in the 2010 Census. As a result, the developer continues to seek tenants that will adequately serve the needs of the growing neighborhood.

The Twelve 12 development will consist of 90,000 square feet of retail and service uses and 218 residential units. Tenants that have been secured for this building include a Harris Teeter grocery store, a three-level Vida fitness facility and several eating establishments. A lease with a veterinary boarding hospital is being contemplated; however, this use is not permitted in the SEFC/CR District. The applicant has requested that the text amendment so that the tenant may open a facility upon completion of the building.

Due to the growth experienced in the neighborhood, the applicant has identified that there is a need for veterinary boarding hospitals in the area. While the area included in census tract 72 includes dog boarding and grooming establishments, as well as the Washington Humane Society, there are no existing locations for veterinary care. A survey undertaken by the Capitol Riverfront Business Improvement District identified that 40% of the neighborhood residents have pets, confirming that there is a need for this type of service.

Outside of the SEFC Overlay District, veterinary hospitals are permitted in the C-2 District. None of the property included in the overlay is zoned C-2. There are properties zoned C-2 east

of South Capitol Street, and properties zoned C-3-C north of M Street; however, to the best of OP's knowledge, veterinary services are not proposed in these areas. The purpose of the SEFC Overlay District is to encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses. Providing veterinary services in this area would enhance the services available to the residents in the SEFC Overlay District and surrounding neighborhoods.

The proposed text amendment would limit the impact of veterinary boarding hospitals on adjacent uses by requiring sound attenuation measures, the regular removal of animal waste and the installation of an air filtration system. The amendment would permit the incidental boarding of animals as needed for care, but would be limited to 50% of the gross floor area of the veterinary boarding hospital. These measures ensure that the use will have minimal impact on and will be compatible with future retail and service establishments in the SEFC Overlay District.

Since the text amendment was set down, the applicant has responded to the requests of the Zoning Commission to incorporate sound attenuation measures and management of waste, as well as to clarify that the boarding hospital would not exclude dogs. Subsections (a), (d), (e), (f) and (g) are intended to address the impacts of noise and waste by limiting the area that may be used for boarding, requiring soundproofing and an air filtration system, and the keeping of animals inside the building. Subsection (b) has been revised to allow the boarding of any animal that may be lawfully sold in the District, which includes dogs. The Office of the Attorney General has requested a minor revision to subsection (d), to specifically identify the use as a veterinary boarding hospital, which is consistent with text that has been provided elsewhere in the proposed regulations.

IV. COMPREHENSIVE PLAN

The proposed amendments would not be inconsistent with the Comprehensive Plan. The proposed changes would generally support policy statements of the Land Use, Economic Development and Lower Anacostia Waterfront-Near Southwest Area Elements (Policies LU-1.3.1, Station Areas as Neighborhood Centers; ED-2.2.3, Neighborhood Shopping; ED-3.1.1; Neighborhood Commercial Vitality; and AW-1.1.3, Waterfront Area Commercial Development).

V. COMMUNITY COMMENTS

OP has received no comments from an ANC or individuals of the community.

VI. AGENCY COMMENTS

OP has received no comments from other District agencies.